

UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF TENNESSEE

In Re: Sylvia Jean Gloster

Chapter 13

xxx-xx-4206

Debtor.

Case No. 15-30975

Sylvia Jean Gloster
Debtor/Plaintiff.

v.

Adv. Pro. _____

Anson Street, LLC.,
Creditor/Defendant.

COMPLAINT TO DETERMINE EXTENT OF LIEN

Comes now the Debtor, by and through counsel, and in support of this Complaint and Cause of Action states:

1. This is an Adversary Proceeding pursuant to Bankruptcy Rule 7001 and arises out of and is related to Debtor's bankruptcy case. This Court has jurisdiction over this core proceeding pursuant to 28 U.S.C. 157, 1334 and by virtue of 11 U.S.C. 506(a) and U.S.C. 1322(b)(2).
2. That on November 17, 2015, Debtor filed a voluntary petition for relief before this Court.
3. That Debtor scheduled real estate located at 4335 Hunters Glen St., Memphis, TN 38128 with a value of \$77,600.00.
4. Debtor owes a balance on the first mortgage held by Ocwen Loan Servicing in the amount of \$78,577.06.
5. That a claim, numbered three (3) in the amount of \$31,048.81, was filed by Anson Street LLC., as the second mortgage on the property.

6. The plaintiff hereby states that there is no equity in said property for the second mortgage held by Anson Street, LLC. Therefore, the second lien on the property should be avoided and released.

WHEREFORE DEBTOR PRAY AS FOLLOWS:

1. For the Court to make a determination as to the extent and validity of the lien held by Anson Street LLC. as the second mortgage holder.

2. For any other relief to which Debtor may be entitled.

Respectfully submitted,

JIMMY E. MCELROY AND ASSOCIATES

/s/ Jimmy E. McElroy
Jimmy E. McElroy, B.P.R.No. 11908
Attorney for Debtor
3780 Mendenhall Rd. S., Suite 202
Memphis, TN. 38115
(901) 363 - 7283

Service to:

Debtor
Debtor's Attorney
Case Trustee
All Entities on Matrix

Anson Street, LLC.
C/O Shellpoint Mortgage Servicing
PO Box 10826
Greeneville, SC 29603-0826

Certificate of Service

I, Jimmy E. McElroy, attorney for Debtor, do hereby certify that I have this day mailed or transmitted electronically a true and correct copy of the above pleading as hereinabove indicated.

So certified, this March 7, 2016.

/s/ Jimmy E. McElroy
Jimmy E. McElroy, B.P.R.No. 11908